



*Minutes
Loxahatchee Groves
Regular Town Council Meeting
October 20, 2009
Location: LGWCD*

Members Present:

Dave Browning, Mayor
Dennis Lipp, Vice-Mayor
Ryan Liang, Council Member
Dr. J. William Louda, Council Member
Ron Jarriel, Council Member

Members Absent:

None

Others Attending:

Frank R. Spence, Town Manager (Frank R. Spence, Inc.)
Michelle Kantor, Town Clerk (Frank R. Spence, Inc.)
Mike Cirullo, Esq., Town Attorney
Members of the Public

Others Absent:

None

1. – 4. Call to Order/Roll Call/Pledge of Allegiance/Invocation

The meeting was duly noticed and posted. Mayor Browning called the meeting to order at 7:00p.m. He then requested the roll call by Town Manager Frank Spence. Upon completion of the roll Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

Mayor Browning moved to Item #5.

5. Approval of Agenda

Vice-Mayor Lipp made a MOTION to approve the Agenda, SECONDED by Councilman Jarriel and the MOTION passed unanimously 5-0.

Town Attorney Cirullo mentioned that Agenda Memo #9 in the Agenda Packet was incorrect and handed out a copy of the correct one.

CONSENT AGENDA:

7. Town Attorney Invoice-September 2009

Councilman Liang made a MOTION to approve the Consent Agenda, SECONDED by Councilman Jarriel and the MOTION passed unanimously 5-0.

REGULAR AGENDA:

Committee Reports:

7. Intergovernmental Coordination Committee

Mayor Browning listed the following items that were discussed at the October 2, 2009 IGC Meeting.

- Water Conservation and Fire Suppression
- Palm Beach County Water Utilities Department Western Section Reclaimed Water Pipeline
- 40th Street North/North Road Canal
- Funding Opportunities
- Coordination of Equestrian Trails
- Portable Emergency Operations Shelters
- Town/LGWCD Funding ILA's
- Town Management/Administrative Staff Transition
- Town's Emergency Operations Plan and Debris Removal Plan

Councilman Louda asked Frank Spence if Matthew had told him about the meetings with Beavin Beaudet and asked him to follow up on that. He said we need to keep those meetings rolling.

Mayor Browning commented if we can get the grant funding for it, that would be phenomenal, and it is for a good reason, fire suppression.

Mayor Browning moved to Item #8.

8. Finance Advisory and Audit Committee (Update on RFP 2009-006-Town Audit Services)

Councilman Liang said the key item during this meeting was setting up the RFP for a new Auditor.

Lung Chiu, FAAC Chair- said it was an honor to be newly elected Chair of the FAAC. He said what we did at our last Special Meeting was since you had terminated the contract with the Audit Firm at your last meeting, we did an RFP calling for a 3yr contract with 2 1 yr renewals, and we have the right to terminate the contract by notice. He said the Auditor would present you with their opinion on the Financial Statement and give us a report on our Internal Controls (how well our system is set up to protect us from fraud) and they will submit all their findings including any weaknesses we have. He said management would have to respond to this in a certain time frame. He said I would also like to bring to your attention one of the items we discussed at our September 30, 2009 meeting and it is regarding one of the items on your Agenda today and that

is Ashbritt who has had a lot of problems in our neighboring communities. He said there is a serious ongoing investigation in Broward County, and several people have been arrested and this company is part of the whole investigation. He said at the September 30, 2009 FAAC Meeting, we discussed with the incoming Town Manager to consider terminating the contract and at the time he said he was going to do it. He said however, I saw the Item on the Agenda for tonight and wanted to just let you know that it was an FAAC recommendation at the September 30, 2009 Meeting to terminate the contract.

Vice-Mayor Lipp asked do you feel that there are adequate indications in there for Best Practices and Bench Marks, so we are certain we are getting the best as we go through as opposed to waiting till the end.

Mr. Chiu said I think right now the RFP is in good shape the way it stands and it basically covers everything. He said there are firms out there hungry for work and I think it is a good idea to go out for an RFP.

Vice-Mayor Lipp said it would seem to me that we could get an RFP like this done in 6 pages as opposed to 27.

Town Manager Spence said Mr. Rockett made that suggestion and we all agreed it should be shorter but time was of the essence and in the future yes.

Councilman Louda asked has this gone through the Town Attorney.

Town Attorney Cirullo responded I have not been requested to review it as of yet, I would be happy to review it if that is your direction.

Mr. Chiu said I think this RFP is a prototype from a previous RFP.

Vice-Mayor Lipp said there are a couple of typos that Ms. Corum gave and noted them. He also asked about the separate funds listed.

Town Manager Spence said that was brought up, but there was discussion that a possibility in the future where the Town could have these funds and that is why the asterisk was after them. He said that is why the terminology was used possible additions in the future.

Vice-Mayor Lipp said add one to special funds.

Town Manager Spence responded we were going to recommend separate enterprise funds for the coming Budget.

Councilman Jarriel said this was an existing RFP for an Audit and basically the FAAC touched it up, but the Town Manager was there and maybe we can have the legal look at it when we reduce it to 6 pages, but now I think we can leave it without the Attorney.

Vice-Mayor Lipp made a MOTION to approve RFP 2009-006-Audit Services and to seek as many applicants as possible, SECONDED by Councilman Liang and the MOTION passed unanimously 5-0.

Mayor Browning moved to Item #9.

REGULAR AGENDA:

9. Okeechobee Blvd. Improvements Alt. Analysis Proposal

Town Attorney Cirullo said the Agenda Memo given to you in your Agenda Packet was incorrect, but the one handed to you tonight was correct and was a reissue from the August 18, 2009 Meeting and is the same as the subject tonight. He said the Town is in the midst of discussions with Callery Judge and in meetings with the principal from Callery Judge and Seminole Improvement District, it became apparent the need for some additional review of the roadways in the Town, and it is my opinion as the Town Attorney that in order to continue to have these discussions with Callery Judge, we are going to need to provide them with some additional information about Okeechobee Boulevard. He said the settlement discussions seem to be going positively, but I am recommending that you authorize the Town Manager to sign this so we can keep moving forward.

Councilman Louda made a MOTION to approve the Analysis of Okeechobee Blvd. Roadway Improvement Alternatives not to exceed the expenditure of \$15,000.00; SECONDED by Councilman Liang discussion was then opened:

Mayor Browning said we are trying to negotiate with Callery Judge to get the challenge to our Comprehensive Plan taken care of. He said I am not at liberty to share everything that we've talked about, but this is part of our trying to resolve some of these issues, so if we can get this study done, we can kind of help the peace and hopefully it can be resolved without going to litigation. He said if it goes to litigation we all know it will cost the taxpayers a lot more money. He said I really can't say more than that, but we just want to make sure that we have coming through Loxahatchee Groves is going to work in the future.

Vice-Mayor Lipp said if anybody knows our Comprehensive Plan took us through 2030 and as we have here on Agenda Item #12, the County has just approved the MPO through 2035. He said I see this as a major road block to doing a study to 2030 when I think our neighbor to the North will request to 2035. He said my question for the Council is do we go in with a document that isn't even at current standards for the County.

Councilman Louda responded good point.

Vice-Mayor Lipp continued my second comment is right there on Calvin-Giordano's second page and speaking with Mike Erikson from Indian Trails, they are set to go from Persimmon from Seminole Pratt to the SR7 extension, as soon as Callery Judge Groves is ready to start breaking ground and getting their projects under way. He said part of this study needs to be on how much pressure is going to be taken off of Okeechobee, because if all the traffic from everything that is going to be developed out there is all forced on Okeechobee, then Okeechobee will have to be 12 lanes wide. He said if we could add those two points, I think we really need to take this out to 2035 and we need to have them study Persimmons also as a 4lane going out to SR7.

Town Attorney Cirullo said I have had conversations with Calvin-Giordano on alternate scopes of services that would have included modeling where we take new scenarios with the 2035 data and possibly combining other roadways that don't exist now. He said the modeling that is required to do that will increase the cost of this proposal. He said one I did get was \$35,000.00 to do all the modeling and there may be something in the middle, but when you start adding in

the roads that don't exist, it will increase the cost. He said if that is something this Council wants to do you can set a limit for those additional tasks and both of those comments are consistent with what I believe Callery Judge and Seminole Improvement District would like to see as well. He said those are inconsistent avenues to review as per our conversation.

Councilman Louda asked to amend his MOTION.

Vice-Mayor Lipp said our Town Manager has certainly served this County and other Cities with distinction and I would ask him to explore other alternatives that can be brought quickly as opposed to other traffic study companies. He said Frank Spence has to know someone else other than Calvin-Giordano who does traffic studies, and maybe he can make 2-3 phone calls, because I want to be sure that we are spending our taxpayers' money correctly. He said I don't want to go out for RFP because we are under the gun, but when we are looking at spending \$25,000.00-\$35,000.00-that is a chunk of change.

Councilman Liang said I agree with Vice-Mayor Lipp's comments, but I think one thing I would like to look into before we look into someone to do these extra studies, is let's see what the County has planned because it might go along with what we can use and need. He said I think it would be a lot cheaper.

Vice-Mayor Lipp said from my experience with PBC they do good work but my experience with traffic studies is whoever is paying for the study gets the results they want. He said you start out with the result that you want and then you prove it.

Councilman Liang said I understand that, but before we go out and spend extra money.

Vice-Mayor Lipp responded I don't disagree at all, but time is of the critical issue.

Councilman Louda said looking at what Persimmon will do and also going to 2035 are good points. He handed out a drawing for the record and said I would like them to take a look at this. He said given that maybe some modeling will go in, I'm looking at if we increase the fee to not exceed \$22,500.00. He said what does it cost in a court case, do we want to put our money into that or spend a little more of our money to get something done that gives us some data that not only appeases any objections to our plan, but that may actually help us.

Vice-Mayor Lipp said the only reason I asked for that is so that we can tell the FAAC that we went out and looked for other numbers other than through an RFP because of time.

Mayor Browning said I just don't want to make our Comprehensive Plan look bad going too far out. He said we already know the County would like to put a 6 lane road through Loxahatchee Groves with no median. He said but I understand if you want to go out and get some other prices and just see what it is going to cost. He said I don't know how we do it without an RFP because you've got one company who is already familiar and the others are going to be coming in with no background and I would be surprised to get a price under \$50,000.00 from them, but we can ask.

Vice-Mayor Lipp asked Town Attorney Cirullo, based on what you know, moving forward to a negotiation having a 2030 study done, -vs. what they want, how is that going to compare to what you are going to hear from the opposition in a negotiation -vs. just doing this negotiation for the hell of it and then going into a DOA.

Town Attorney Cirullo responded whenever you go into a negotiation you want to have the best information you can at the same time you don't want to jeopardize a case if you don't negotiate a settlement. He said the proposal brought to you tonight was seen as a median of those extremes.

Vice-Mayor Lipp asked would it be your recommendation then to the Council, to proceed ahead with the 2030 study for \$15,000.00, as opposed to investing possibly another \$10,000.00 in a 2035 study that then contradicts our Comprehensive Plan. He asked should we stick with our Comprehensive Plan because that is what is under attack, and it has already been approved through DCA with that data, so should we stick to that data. He said because the Mayor brings up an excellent point we are not trying to play off their playbook. He said so my question is our Comprehensive Plan is 2030 and that is what they have problems with and the data is solid, so we just need to get more data to prove our data is as solid as we say it is. He asked is that a fair assessment.

Town Attorney Cirullo responded I think so, yes.

Councilman Louda said if the extension of Okeechobee to 20th stays on and they are not going forward to 710 with Seminole Pratt, I'd almost bet there are going to be lawsuits because that is stupid and that is the bottom line.

Vice-Mayor Lipp said from what I understand is they are not going to spend the money, but we have to take it off the thoroughfare identification map and we have experience in doing that, we'll talk about that next.

Councilman Louda said I am saying the 2035 plan is a long way out and I see this vision possibly changing quite a bit.

Vice-Mayor Lipp said I think your MOTION is fine as it stands Councilman Louda.

Mayor Browning said that is one of my concerns is that our Comp Plan is based on 2030 and if we go to a 2035 could we satisfy that without changing the whole character of our Community.

Councilman Louda said it is nice to think of it for our long range planning, but I see a lot of things changing for what they really think 2035 is going to look like here.

Councilman Jarriel said I have a couple of problems. He said I am looking at the proposal that was in our Agenda and am asking is this the proposal we would go with.

Town Attorney Cirullo responded yes.

Councilman Jarriel said we had a lot of problems with our proposal for Code Enforcement and paying \$4700.00 per month and we didn't know how many hours or what we were getting. He said this proposal is too open. He said they don't specify a scope of services. He said personally I was for voting for this tonight, but as people commented, this needs to be taken in front of our FAAC, and this proposal needs to be set in stone so we don't get taken over again. He said in the proposal there is nothing about the things we know we need on Okeechobee Boulevard to make it safer for the residents of our Community. He said we know that we paid out almost \$158,000.00 for this Engineering Study and we have a balance of \$14, 950.00, and according to

this I thought they were going to take this and do this study. He said now for the \$158,000.00 we've already spent I do believe that the County does not agree with our study when it came to the roundabouts and the red lights. He said I've gotten to the point where I plain don't want to put more money into a survey, especially since our Comp Plan goes to 2030. He said I think we should stand behind our Comp Plan and support it the County will just eat us up alive, because their plan goes to 2035. He said I've talked to Mike Erikson and we've got simple problems that we are not trying to solve and we have some simple things we could take care of by working with the County. He said I think we need to get a better relationship with George Webb and find out what their game plan is in going through Loxahatchee and as far as making it a safer highway for the residents. He said we need the people to back us in Loxahatchee. He said this proposal has just too many loop holes and we need to stop doing proposals where it is not set in stone. He said one comment in here is about Calvin-Giordano has the right to retain all the original instruments of service. He said it doesn't say they will give us those documents, and without going through the FAAC, I'm against it and I'm really against spending any more money on studies. He said I realize this might make us look good to Callery Judge, but basically to do a study that isn't going to get us anywhere, I'd rather do a study on what is safer for the people to get on and off Okeechobee and I'd rather express to Callery Judge that we are going to get with the County and see what they are going to do about improving traffic flow on Okeechobee.

Mayor Browning said I agree with all those points, but I feel they already spent a lot of money with their Engineer on their side of it and if we come back and say we aren't going to spend any money on the case, it will go to court and then we can fight it out in Tallahassee. He said it will be up to the Council and we are trying to negotiate, but if I come back and say we are really not willing to spend the money, we really don't give them any other option-it's our call.

Councilman Louda said the way I read it is they won't give the information to anyone else without our consent.

Councilman Jarriel said it doesn't say written consent from who.

Town Attorney Cirullo said what I asked them to do is give me their standard proposal. He said we had our Executive Session on Tuesday, October 13, 2009, and I asked them to get us something by Friday, so there may be some imperfections with this document that I could probably resolve with them if I had the opportunity, but when I got it, I sent it because time was of the essence.

Councilman Liang said I really do think we need to make a decision today and hopefully we would approve some type of study, but perhaps the FAAC can have an emergency session to look it over this week and then send it out. He said we are under the gun and we need to make a decision as to what type of study we are going to do and get this sent out within this week.

Councilman Jarriel said I agree with Councilman Liang and we've got the FAAC here tonight, and if they could pull together and get an emergency meeting and get a proposal, that is good. He said Callery Judge has their Engineering Firm and here we are going to pay another \$15,000.00 to Calvin-Giordano to do another study. He said if we want to set good with Callery Judge and their Engineering Firm, maybe we need to just give them \$15,000.00 and tell them to tell us what they need. He said it is back to the County again, and if we do this study the County hasn't agreed with us all along, so what is to say that Callery Judge is going to agree with us. He said so if we want to get on the good side of them and let them know we are willing

to put money on the table and say what can we do to make Loxahatchee safer, what can your engineering firm do. He said I think we would impress them a whole lot more if we did that.

Councilman Louda commented I think we would have E Road/140th back.

Vice-Mayor Lipp said I think having things go through the FAAC is a good idea, but I think this is splitting hairs. He said we have seen this agreement 4-5 other times on this dais, and it is thrown together and certainly isn't their best work, but basically they are going to put this thing together and do it for \$14,995.00. He said and where I am coming from on this is I fully expect to have a snowball chance in hell in getting a negotiation with Callery Judge Groves, but when we face a DOA Hearing and send our Town with our meager resources and spend another \$15,000.00 to support our Comp Plan which is already approved by DCA, and now we sit before the judge wit mega millionaires looking to become mega billionaires and our little Town is just trying to survive, I think that carries a lot more weight than us saying we didn't want to spend the money because we knew we were going to get screwed. He said we need to do the most we can to stand up for ourselves, and I think this is the way to go and I will vote for this tonight.

Councilman Jarriel said as long as Calvin-Giordano is assured that this won't exceed \$15,000.00 and this proposal is not saying that and that is what I am getting at. He said and I think we still need an emergency meeting of the FAAC. He said as a Council Member I am tired or rush jobs and every time I get in a hurry I make mistakes. He said I definitely want \$15,000.00 and no more and they need to understand that.

Councilman Liang started to discuss the Executive Session and.....

Town Attorney Cirullo said you may not discuss what was discussed in the Executive Session.

Vice-Mayor Lipp said I just really wanted everyone to understand where we are coming from here and I think it is clear. He said our Comp Plan and traffic studies were set to 2030 and we are going to spend a few extra dollars to verify that these studies were accurate to the finest point that we can make our Comp Plan stronger. He said the thing we have to realize is this is our Comp Plan and we spent a lot of time and money on it and we came to a conclusion and DCA has blessed it, and we have an intervener and he has to prove both of us wrong.

Town Attorney Cirullo said it fosters the continuing of discussions because that has been a point in our continuing conversations. He said this is consistent with the Council's direction from the beginning to try and resolve this matter as well.

Councilman Louda said in looking this over it looks like it is just a boiler plate agreement and the cover is the scope of services, but Councilman Jarriel brings up a good point and that is there is leeway here on the proposed scheduled fee where it says meetings not included-hourly. He said let's go forward with this to not exceed \$15,000.00 and both parties sign it.

Mayor Browning asked for comments from the Public.

John Ryan, 3508 A Road- said most of you all know that I have a real concern with becoming a captive of Calvin-Giordano on study after study and paper is all we really get. He said I agree with Councilman Jarriel and even if it is on emergency basis we need to get the FAAC on this. He said there is no defined scope of work, there is no heading that says this is the scope of services. He said clearly this thing is a kind of Hodge podge. He said they qualify the study on

Page 40 of 98 that their work is done and they would expect to be fully paid as soon as they submit the results of the study to whomever they submit to. He said they are saying this is a study that is supposedly good enough for DCA or PBC or DPT, and they are kind of excusing themselves of having it approved by anybody. He said they have a long section of things they want to be sure that no one mistakes they included in this. He said on Page 41 they make it clear that no meeting is included other than coming to the Town Council to present the results of the study. He said they need to be prepared to present their assumptions and engineering to PBC or to some Hearing Officer that is evaluating the situation that we have with Callery Judge. He said I think there ought to be some better sort of explanation. He said the hourly thing that Councilman Louda pointed out is mentioned on Page 42 where they make it clear if we want them to say anything there is an hourly charge. He said the wording is gray and if we are buying this information then it is our information. He said I hope that Lung Chiu is able to convene an emergency meeting and go through this to come up with an agreement that makes some sort of sense. He said I don't doubt that this is going to be necessary for work we are doing on our Comp Plan and I do think we need to get this information home to support our Comp Plan. He said if I remember in the Comp Plan process one thing that totally frustrated me was Lewis Longman who is representing Callery Judge came up with a list of things and the last letter that Shelley Eichner wrote in response had such mistakes in it. He said I think that we need the FAAC to review this contract and make sure that we know what we are asking them to do and lets be clear what we are buying from them.

Vice-Mayor Lipp said this is really directed to Town Staff, and asked could you as our Town Manager draft an agreement that would be our basic boiler plate so we could go out to someone like Calvin-Giordano and say this is what want, and so we can have a one or two page thing that the FAAC can then look at with you and say this is a good idea. He said I find it just beyond the scope of what I had in mind for our FAAC to sit down and be wordsmiths-that is what Staff is supposed to do in my mind.

Town Manager Spence said I'm flattered but there is no way I could do it in a couple hours or at all. He said a boiler plate unfortunately exists for all major companies and it is easier to review and dissect other peoples work rather than try to create something from scratch. He said the legalize is there for a purpose. He said what we used to do is take the boiler plate and modify it to our liking. He said I like the flat rate with no additions. He said so I would not attempt that.

Mayor Browning said in looking at the contract, sometimes by attaching a one page addendum on the back which basically everybody signs to clarify where we are going with this. He said one of the reasons I believe this can work with Calvin-Giordano is they are defending the Comp Plan they are putting together. He said so hopefully like I say they are defending their own and that would help us in the long run.

Doreen Baxter, North Road- said my only problem with this is I am hearing we have to do something and they don't. She said it is usually a give and take in a negotiation and I just have a feeling that they are leading us on and socking us for some money and I think it is a waste of money. She said I do agree with John Ryan that we need to spell out exactly what we want them to do for us, because we could shell out \$15,000.00 and it may not satisfy what we need to have done

Mayor Browning said what Ms. Baxter is saying is Callery Judge may say it is not enough.

Lung Chiu, 3270 B Road- I think the Town Manager's input is very important to the process and very critical and we haven't heard much from him. He said I do want the Council to define the scope so that Mr. Spence can put it in the contract.

Councilman Liang said the thing that is kind of upsetting me right now is although I agree with a lot of Vice-Mayor Lipp's points, I don't agree with making a sudden change at a meeting and I would have liked to have gotten this information ahead of time. He said if I had the information ahead of time we could possibly make a decision and show a unified front to Callery Judge and whomever we are having litigation against and I really feel the Town should present as a unified front and not give the impression that we don't know what we are doing.

Vice-Mayor Lipp said 2030 is what we need to shoot for so that everyone is here and we have it on the record.

Councilman Liang said this is the type of thing that should be discussed in the Shade Sessions.

Mayor Browning responded at the same time we have to make sure you all have an idea that we are not just voting on anything up here.

Councilman Jarriel said I feel like when we vote on this we will be unified. He said when we were in the Shade Session we didn't have a proposal in front of us, but now we have one and citizens in front of us and there is no doubt in my mind that when we vote we will be unified.

Councilman Louda AMENDED HIS MOTION to approve the Analysis of Okeechobee Blvd. Roadway Improvement Alternatives, AND HAVE TOWN MANAGER SPENCE WORK UP A 1 PG ADDENDUM TO THE BOILER PLATE TO not to exceed the expenditure of \$15,000.00, AND REQUESTING OR DEMANDING SOME LEEWAY ON MEETINGS; SECONDED by Vice-Mayor Lipp and the MOTION passed unanimously 5-0.

Town Manger Spence asked may I contact the Town Attorney on this.

GENERAL CONSENSUS WAS GIVEN FOR TOWN MANAGER SPENCE TO CONTACT TOWN ATTORNEY CIRULLO ON THIS ISSUE

Mayor Browning moved to Item #10.

10. Agreement for Disaster Debris Removal (Ashbritt)

Town Manager Frank Spence said the Town currently has a contract with Ashbritt, Inc. to provide Disaster Debris Removal Services, executed on November 18, 2008. He said under the provisions of Part 2, TERM, Section 2.1, states that the term of this Agreement is for a one (1) year term, Section 2.2 says: "After the initial one (1) year term, the Town shall have the option to renew for an additional term of one (1) year, and upon the completion of that period, the Town shall again have the option to renew for an additional term of one (1) year." He said the Town's further interests are protected by Part 4, TERMINATION, and Section 4.1, wherein the Town Council may terminate the Agreement upon thirty (30) days written notice. He said the Town Manager may also terminate their services if he deems it appropriate and necessary to protect the public health, safety, or welfare of the Town.

Mr. Spence said some people thought I had previously said I was in favor of termination of the contract, and as I remember I said early on if you are dissatisfied with the service of Ashbritt, then wait till after the end of the hurricane season and then you can terminate it. He said that was before I read the contract and saw that it hasn't cost the Town any money yet, and is just sitting there on an as needed basis. He said the Town went through the exercise last year, and there was interest and good response and this Council selected the firm. He said their total contract is 200 pages and yes, I have been made aware of the articles and accusations in the paper. He said you have in front of you a rebuttal from the Staff of the School District where this all occurred.

Mayor Browning clarified we can either vote to extend or not extend the contract.

Town Manager Spence said you don't have to vote to not extend because it will expire after the one year.

Councilman Louda said I would like to not exercise our option and give them the 30 days termination. He said economic times have changed and maybe we can do better with RFP's.

Town Manager Spence said you understand that everything is 85% at least reimbursable from FEMA.

Mayor Browning asked for comments from the Public.

Jared Moskowitz, General Counsel and Director of Government Relations for Ashbritt- introduced himself and said I am here to address some of the things you read in the paper. He said to give a little history and just a year ago you selected Ashbritt because we are the best. He said we have been in business since 1992 and never once have we had to pay anyone back for overbilling. He said because of what the climate is at the School Board they are now looking at everything. He said I heard what this Town Council did with your Auditor and I believe that is commendable, but in our circumstance I believe it is different. He said we could settle this with the School Board or we could wind up going to Court. He said we would like to think we are innocent till someone finds us guilty. He said if you would allow us the time to show we have done nothing wrong and let the process unfold. He said if you find we were in the wrong then you can terminate the contract with us and go out for RFP at that time.

Councilman Louda said this didn't affect my MOTION. He said I made my Motion to do this based on one simple fact and that is we are re-evaluating everything we are doing and what I brought up tonight was based solely on the fact that we are reexamining everything and in my mind it has nothing to do with what is going on in Broward.

Vice-Mayor Lipp said thank you for coming. He said I certainly appreciate your company's honesty and to defend your integrity I think is a very honorable thing to do and I appreciate your being here to explain.

Mr. Moskowitz responded we are here to serve you and it is not the other way around. He said this contract is only a year old and I don't want you to assume the fact that just because the economy is bad you will go out for RFP and you will see bids coming down. He said I don't think that is exactly true and maybe if this bid was 4 or 5 years old. He said I think you would see some changes because the market would fluctuate. He said if you decide to put it out to bid then obviously we will be there and put in an RFP because we stand behind our company.

Vice-Mayor Lipp asked why did we decide to end the contract with two weeks left in Hurricane Season. He said we went through this with nine companies and we selected them for very good reasons and I think this termination clause that is in there is a valid termination clause and if we get hit with headlines we would have 30 days to terminate. He said but I think we ought to make it calendar year and remember they are innocent until proven guilty.

Vice-Mayor Lipp made a MOTION to extend the contract with Asbritt for one year expiring on 11-30-2010, SECONDED by Councilman Louda and discussion was then continued:

Councilman Liang said I just wanted to say that I met with Jared last week before I knew this was on the Agenda.

Councilman Louda said for full disclosure I was contacted by Jared but would not meet with him as I stated in my original campaign that I would not meet with any contractors unless it was publically at a meeting.

Councilman Jarriel said Jarred you did a good presentation and you made the comment that you've never had any charges against you and I hope you clear it up. He said I think we need to go out for RFPs and I've expressed we need more local contractors coming to Loxahatchee. He said how we came up with November 18 when everybody knows that hurricane season ends November 30, and we had a hurricane hit on October 30 one year, so you definitely need to go through November 30, 2009. He said I know when we send out for RFP's we will have a couple of local people who have performed for this Town with excellent prices. He said in the past a lot of local people didn't know about the RFP's when they were out and they've had a year to prepare for it this time. He said whether you are guilty or not you still have to prove yourself and we agreed with the Audit Company and they tried to change their name and clean it up, but the truth of the matter is if we would have stayed with them we would have brought our name in it. He said I am definitely against extending it without giving RFP's and giving our local people the chance to respond.

Mayor Browning said my thought is we have a way of terminating very quickly and we haven't had to pay them anything yet. He said the important thing is FEMA so we get reimbursed. He said and you hope through the disaster that it doesn't cost us anything because you get reimbursed so it really comes down to the documentation of everything.

Vice-Mayor Lipp said the whole crux is the documentation and paper trail and it really comes down to computerization and the methods by which they were tracking everything along with a track record of getting reimbursements from other storms.

Councilman Jarriel said the way it looks to the taxpayers are economic times are hard and we need to make it public. He asked how much will the RFP cost us. He said I like for us to give everybody a chance.

Town Manager Spence said in all the cities I've served we always had multiple contracts because one company can not do it all.

Mayor Browning asked for comments from the Public.

John Ryan, 3508 A Road- said I object to one of the basics in these contracts and to one of Frank Spence's comments. He said as I recall we didn't really select who we thought was the best contractor and we asked for a recommendation from Calvin-Giordano. He said I found out today that it looks like Broward County has decided to award their Debris Clean up contract to a different firm and Ashbritt is threatening to sue. He said I'm sure Ashbritt doesn't like to lose business even if they haven't had to exercise their business rights. He said I don't necessarily believe newspapers so I went through the trouble of pulling the actual audit report. He said the report is 97 pages and the auditor is a CPA who puts his license at risk and the work done fully documents the areas that he is alleging with problems. He said I think going out for a fresh RFP and allowing time for things to settle down is what we should do.

Lung Chiu, 3270 B Road- said I have a comment and since we have a new Town Manager and we have been talking about government light and I think this is the perfect opportunity to let our new Town Manager have input on all of the contracts. He said if you are going to revisit all the contracts this is a very good time. He said he needs to make sure we are paying for the deliverables. He asked please go out for RFP, it is a good practice for the Town.

Town Manager Frank Spence said he forgot he put that in my contract and it is already in my contract to monitor the contracts.

John Choquette, C & C Loading Inc.,- said I do trash pick up and the only thing I would like to do for our Community is whoever you go with have people in our Community be able to work for them. He said usually the contractors come in and do all the work and we stay home, that is all I'm saying, and I'm not doubting Ashbritt and I am not doubting anybody. He said and that date needs to be changed until the end of November.

Councilman Louda said we need to get our local people doing the work and maybe they are not the main contractor with the big computer to FEMA, but they need to be involved.

Mr. Moskowitz said I think the local subcontractor thing is important and I am more than willing to pledge tonight on the record and you could hold me accountable for it, that if the Town gives us a list of their subcontractors we would use them first. He said it is not just picking up debris; it is a complete emergency management contract. He said you might need ice and water, generators, a building, portable lights, and I hope that never happens but it happened in Homestead. He said as far as using local subcontractors for debris pick up I will commit to using them tonight and add an addendum to the contract. He said it is not just a debris contract; you are hiring us to manage everything.

Vice-Mayor Lipp asked so if this building was blown away you would have someone who could bring one in.

Mr. Moskowitz responded yes.

Councilman Louda asked and all those other services are FEMA reimbursable.

Mr. Moskowitz responded yes.

Councilman Jarriel told Mr. Moskowitz the more you talk the more I like you. He said good presentation. He said we all know hurricane season ends November 30, 2009 and we've changed a lot of our RFP's with the FAAC and new Town Management and we tell people what

the Town wants. He said this is just another situation where we can clarify in the RFP that we can use local contractors. He said I like your support and you are willing to set a precedence that our local subs would be used first, I think that is something that needs to be put in the RFP so everybody knows what we expect.

Town Attorney Cirullo said if you get a late storm season Asbritt's work would extend beyond November 18, 2009, because they would still have to work with FEMA. He said we are still dealing with Hurricanes Frances, Jean, and Wilma from 2004 in other venues.

Councilman Louda said I am pretty sure we had mentioned using local subs last year and there was a lot of discussion on this topic.

The MOTION passed 3-2, with Mayor Browning and Councilman Jarriel opposed.

Mayor Browning said my nay is based on the FAAC.

Mayor Browning moved to Item #11.

11. Paperless Proposal-Council/LGWCD Board Laptops

Town Manager Frank Spence said the Council voted to ask the LGWCD if they would like to share the cost of laptop computers that would remain permanently on the Boards dais with both the Board and Council sharing their use. He said the LGWCD discussed this matter at their last meeting and most expressed a desire to have their own laptop computers and not share them with anyone. He said they also authorized their Executive Director to expend up to \$4,000.00 to purchase them.

Councilman Jarriel said I was for this because I thought the two entities could come together and share the cost and get laptops. He said I did not agree with taking the taxpayer's dollars and purchasing laptops and I thought if we got them for both the LGWCD and the Council and they stayed locked into this counter and with your flash drive you would plug it in. He said the most positive is we could save the paper trail, but trees are growing and they are not being killed like they used to. He said but I can't justify the Council spending \$4000.00 for their own personal laptops and I think we could spend that money better for the Community. He said I compliment Vice-Mayor Lipp because he went out and got his own and if the rest of us can do it fine, if not we can just write on paper.

Vice-Mayor Lipp said I think the Town Staff needs to go out and buy Acrobat 9 because you can scan documents with the product you have, but you can't use the OCR feature.

Mayor Browning moved to Item #12.

12. Oct. 15, 2009 PBC-MPO Meeting (2035 Long-Range TIP)

Mayor Browning said I went down to PBC and presented our two Resolutions and basically going on record saying that we wanted Seminole Pratt to be connected, that again helps in our relationship with Callery Judge because it helps relieve pressure on Okeechobee. He said I also spoke on the extension of Okeechobee to SR80 and they told me that had already been taken off. He said it is interesting they tell me that has already been taken off but we all know that if it

is on any map anywhere, even if they don't have the money if someone comes up with the money all of a sudden it pops right back up.

Vice-Mayor Lipp made a MOTION to start the process of removing the extension of Okeechobee Boulevard to SR80 from the County's thoroughfare map and encourage we get other stakeholder's involved, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

Mayor Browning moved to Item #13.

13. 40th Street North

Town Manager Frank Spence said this is an attempt to develop a final solution to resolve the problem and to authorize its implementation in conjunction with the LGWCD. He said it would be necessary for the title companies of these properties to pay for the needed bridge culvert on behalf of the landowners on 148th Terrace North. He said the Town is now being requested to assist the Water Control District in every way that it can to finally resolve this long time problem. He said Water District Executive Director Clete Saunier did an excellent job of analyzing the history of this problem and detailing the FACTS of where we are today, and coming up with a recommended solution. He said rather than paraphrase his memo that he presented to the LGWCD Board last Monday, I have attached it in its entirety. He said the LGWCD Proposed Action is 1) to declare 40th Street North a non-existent roadway and remove its designation from the Local Road Map as exhibited in the Town's Comprehensive Plan and 2) to authorize the Town's Attorney and the Town Manager to work with the LGWCD's Attorney and Executive Director to develop a course of action on implementing the above action and to anticipate the resulting ramifications.

Town Attorney Cirullo said our office has not been directed by the Council to do any review on this, but Item #2 I think is what the Council should focus in on and try to come up with a solution on this problem for once and for all.

Councilman Louda made a MOTION to direct the Town Attorney to develop a course of action on 40th Street North with the LGWCD, SECONDED by Vice-Mayor Lipp and discussion was then continued:

Councilman Liang said I will have to abstain from this.

Town Attorney Cirullo said the Clerk will give you a No Vote Form to fill out after the meeting.

Councilman Jarriel said I agree with #2.

Mayor Browning said I think there is some frustration because they've had some meetings and not a lot of response.

Mayor Browning asked for comments from the Public.

Marge Herzog, 966 A Road- said one of the things that you have to be careful of is that you are not setting a precedent because there other areas within Loxahatchee Groves where the West side is being used already as an access road, and it isn't an issue there so why is it an issue on North Road. She said take for instance North A Road, there is a section right along

Lakeside Drive where people are driving along the canal and they are not allowing the 12 ft easement and there isn't enough room where the fences are where you could pass. She said on B Road North and South of Okeechobee there are areas where people are using that as their only access to their property but it is not an issue there. She said C Road, same thing. She said D Road and also North of Gruber where the west canal is being used, along with Collecting Canal South from mid C Road all the way back to Folsom. She said but there is no discussion as to why is that being allowed and the same thing should apply to 40th Street. She said 40th Street needs to have the access permitted and if you have to use the easements that some of the people have, then use it, widen that area, you have the 12 feet for the canal-use the easement-it is there, but don't set a precedent because these other areas should be addressed too then. She said stop drawing straws and let the residents have access to that property.

Mayor Browning said I think what it is going to come down to is if we are accepting gas tax revenues on that property.

Councilman Liang said the whole reason why this came to a head is because this easement that is there or not there is going to be a horse trail. He said and any easement that is going to be a horse trail down the road is going to have to be addressed by the Town, so this is the first hurdle and there are going to be many more regarding the horse trail.

Vice-Mayor Lipp asked Ms. Herzog to supply the list of roads she went over to the Town.

Councilman Jarriel said Marge asked what brought this about and it was the residents that came to the LGWCD Board with problems like there not being enough room, and it not being wide enough. He said I do believe the LGWCD Board is trying to work a route to where we could use the \$40,000.00 on any equestrian trail in Loxahatchee Groves. He said a couple of title companies have already expressed that they will put in the culvert. He said if we can get a culvert put in, it will make better access for the residents, PBSO, and Fire Rescue. He said but the people on D Road and C Road, those people have not come forward and said they don't have access to their property.

Jim Rockett, 14155 43rd Road North- said I wanted to point out that the section that is included in this to be closed is a major thoroughfare; it is the northern exit by Sunspport. He said I want to point out that is a separate discussion that should probably be handled a separate way. He said I would like to make sure the Council makes it clear that item is not up for that.

Councilman Jarriel responded that road will never be closed off unless we do what Councilman Louda suggested which would be a roundabout. He said we can't close that road off and I don't think the LGWCD would ever think about it.

Mr. Rockett said but it is included in the action so I think we ought to clarify that.

John Ryan, 3508 A Road- said I was the one LGWCD Supervisor who voted against sending out the notice. He said I agree with Marge and you can't have a lack of consistency. He said we have a lot of properties that depend on the canals for access. He said the problem is and this is where it really gets serious and impacts the people and if we close off the canal road off 40th Street, people are going to have to change their addresses to North Road and put their trash out on North Road and mailboxes out on North Road. He said we proposed a mix of things on 40th Street, we proposed granting the Town a public access easement like we are calling for on the other Non-District roads, with the provision that we close off other sections of the road which

don't have enough easements and economically couldn't be made a safe road. He said that is the dilemma we have here, once you acknowledge a public right of access then you have a responsibility for the road. He said the LGWCD defense when we have fatalities and accidents on our roads is those roads are responsibly maintained and people are aware of the conditions. He said once you really start looking at the canal maintenance roads they are not suitable for classification of roads and the liability issue for the LGWCD and the Town could be really serious once we get moving on this thing. He said I think Clete had a fairly comprehensive package to deal with on 40th Street and the Supervisors have voted to send out this notice to try and force the hands of the title companies because they put us in a bind. He said there are a number of issues and I think gas tax is the smallest one. He said if we are going to make that into access roads we have to do a lot more than just keep them up as canal maintenance roads. He said there are some narrow areas where we would just have to close them off but you really get into a unique situation when this many people drive on what is public access.

Mayor Browning said I agree.

Philomena Liang, 3270 B Road- said I would like to address Marge's issue where she said 40th Street North is being singled out. She said we are affected because of the equestrian trail, and if you put a fence in the middle of 40th Street North, you are giving us 2 feet to drive our vehicle. She said the title company has acknowledged there is no access. She said we are not asking for any special favors, we are saying we went to our title company and said we don't have any way out. She said and they are willing to put up the money. She said we went to the title company and said give us our access and that is what they are going to do. She said we are asking as residents for you to help us with the title companies. She said I am asking the LGWCD and the Town Council just to say, Title Company they don't have any access-fix it. She said I am not asking anybody for any favors and all the other roads are different from us because that is where the equestrian trail is going to be. She said believe me, the title company won't do anything unless it is coming from a government agency, the Council or the Lawyers because we have been asking till we are blue in the face. Thank you.

Councilman Louda asked are all the property owners and all of their title companies on board.

Ms. Liang said for my section they are. She said I am paying attention because it is my property and I have to drive through it. She said if they want to sleep on it, it is not my problem it is their problem.

Councilman Louda said so the title company basically has to buy your land away from you to give you the access or build a culvert and they figure building a culvert is cheaper.

Ms. Liang responded from my area our title company is agreeing to put the culvert.

Ms. Herzog said perhaps she didn't understand, I was in support of her problem because we have addressed F Road, we put a horse trail there. She said we addressed E Road; there is a horse trail there. She said these problems are going to come up on D, C, B, and A when the trails go in there because the roads are sitting right on the right of way and there is going to be a fence right down the middle of those also, so I am supporting her problem. She said the other thing is why is the 20 feet right of way that was created instead of the 12 foot right of way right in front of Sunsport be permitted and allowed and why can't the whole thing be permitted and allowed, perhaps that one section where that lake is an issue because you can't widen it. She

said maybe there is some way you can work with that section but Northlake by SunSport will not be closed was the direction they said.

Mayor Browning said making sure we contact title companies and get a plan to follow through.

Councilman Jarriel said I hear where Ms. Liang is coming from and at the LGWCD Meeting I brought up the idea of having the LGWCD Board Staff having their legal send a letter to the title companies saying that the road would be closed off in a matter of days. He asked Town Attorney Cirullo can we send a legal document to these title companies expressing they are in touch with the LGWCD Board and the road will be closed off at such and such a time and what are you going to do to solve this problem.

The Motion passed 4-0, with Councilman Liang abstained.

Mayor Browning moved to Item #14.

14. 22nd Road North

Councilman Jarriel said I've been in contact with the PBC Appraiser and basically we've got five sections out in Loxahatchee Groves that the County wants to give to the Town or the LGWCD. He said we again aren't setting a precedent; we had the people from 22nd Road North come to the Town Council asking for help. He said they have a beautiful drainage ditch and you have 25 or more residents associated with 22nd Road North, and the only problem is this drainage ditch is full of nothing but vegetation. He said there was a problem coming out of C Road with traffic and not being able to see it coming or going, so the LGWCD and the residents helped us and they tried to clear it. He said I've approached Commissioner Santamaria's office and my honest opinion is if they want to give it to us, 22nd Road North is approximately 1.24 acres and the other one which would be of interest is 24th Court North is approximately .5 acre and we have dealt with both of these road segments in the past, I'm for the County paying for having the drainage ditch brought up to satisfactory levels for the LGWCD and the Town. He said I think we could possibly get the money from Commissioner Santamaria's office and I have a professional contractor who gave me a price of \$8,000.00 to bring it up to par. He said but as a goal of the Town when we can help more than 25 residents, then it is worthwhile for the Town to take this. He said there is one section that goes in approximately 200 feet and there is a possibility that we can use that as a Town. He said when we come through with the OGEM for A, C and D Road it seems to be more convenient if we can stock pile the stuff.

Councilman Louda asked Councilman Jarriel did you ever find out how the County wound up with this.

Councilman Jarriel responded no and the County doesn't seem to know. He said it was a tax lien I think. He said the bottom line is I see where the Town and the LGWCD can help a lot of residents here and they are putting their share of their money into the OGEM already.

John Ryan, 3508 A Road- said it was an unrecorded plat.

Vice-Mayor Lipp said I had breakfast with Commissioner Santamaria and this came up and he said he thinks the County can do their share on this. He said I think if anything we need to have some direction for Councilman Jarriel and I. He said I would like to arrange another breakfast meeting with Commissioner Santamaria and have Town Manager Spence join us.

Councilman Louda asked Vice-Mayor Lipp to find out what was going on with the park.

Vice-Mayor Lipp said that was on my list and I'm not sure if that is something that just slipped through the cracks with Matthew leaving. He instructed Town Manager Spence to call Dennis Eschelman at Parks and Recreation for PBC and to look at the map he drew up and submitted for the past record.

Mayor Browning asked for comments from the Public.

Clete Saunier, LGWCD Administrator- said there are a lot of these unclaimed properties throughout the County. He said I encourage you to contact the County Attorney's office and speak to them about the title search they did on this. He said you can probably get some information from them as to the origins on it and as Mr. Ryan said this is more than likely an unrecorded plat and a sliver of land that may or may not have been part of that plat originally. He said I will give you a similar situation, we have two recorded plats in our LGWCD and that is Loxahatchee Farms West and Loxahatchee Farms East and there are common areas within those two plats for dry retention for water and they are dedicated to the Association for maintenance and they are called common areas. He said that is possibly what you are dealing with there and the original intent of the plat would be a common area that everybody would chip in and pay for. He said I can tell you it is not a road; it is just a piece of land. He said I would encourage you to do a little research and find out what the history is on it.

Mayor Browning said we are just looking into this right now. He said I think we are going to have to look into several of these issues, but to me this is a no brainer, we are talking 25 homes.

Town Attorney Cirullo commented you've been clear on the record the justification of looking into this road all along.

Mayor Browning moved to Item #15.

15. Solid Waste Monitoring Report

- a. Bulk Vegetative Pick-Up Final Report**
- b. Town Clean-Up Day**

Councilman Jarriel said we did the Bulk Vegetation Pick-Up and I followed them around for a few roads and they did an outstanding job. He said we hauled a lot of stuff out of here and they did an outstanding job and we had a lot of residents who appreciated this. He said I like this because we put something back into the residents, in other words, we gave them a pick-up that wasn't on schedule and we kind of prepped them for a hurricane that we will not see this year. He said this was a spur of the moment thing, and I hope next year it will just be automatically planned because it worked out very well and John Choquette and his company did an excellent job and Frank Schiola did an excellent job.

Mayor Browning said I want to reiterate that Frank Schiola did a great job and so did John Choquette.

John Choquette, C & C Loading Service, Inc.-said there was one house left and we went ahead and picked them up even though the pile was put out late.

Town Manager Spence said they came in under Budget.

Councilman Jarriel said Frank Schiola has mentioned to me about having a Town Clean-Up day in January and what he would like to see in the future is basically the Town comes together and works to clean up. He said Marge has done an outstanding job with Okeechobee Boulevard and the honor students that help her, and Doreen has given 110% in keeping our roads clean, but I don't think we have ever seen it where we could get the whole Community involved. He said so Frank Schiola is going to work on that and then present it to the Council and the Town people.

Vice-Mayor Lipp said Doreen and Connie go out and pick-up and the main thing is there is an awful lot of beer cans and I think we all pretty well know the source of the beer cans. He said maybe there is someone who can become a spokesperson for the Guatemalans at Buena Fe. He said maybe we can meet with Reverend Calvin Lyerla and relate that. He said it is appalling to see that people actually take an effort to squash a can and stick it in a tree.

Linda Heeraman, 1059 B Road- said I know some of our own people do that as well, but I think particularly we should get someone to speak to these people. She said I see our people picking up trash, but I don't think we should have to do that and these people should be educated. She said I feel that it is a long time ago that we should see if we can have someone pick to these people in their native language. She says I think it is wrong that we accept that people should destroy and we go and pick it up. She said perhaps we can put some more rubbish bins in the area. She commented Marge and her team does a wonderful job on this.

Councilman Jarriel said I believe Pete Riley from Waste Pro has agreed to put cans on the lettered roads.

Town Manager Spence said late this afternoon we got word from Pete that he will be putting in 95 gallon barrels on all the lettered roads and pick them up regularly.

Marge Herzog, 966 A Road said in regard to the Day Labor Center we did do an education with them and we gave them bags and put them to work and let them clean all the way from Folsom all the way back to E and we gave them shirts and certificates as a reward. She said these garbage cans will be an asset and if they are going to do this for us that will be so much better. She said I find that as long as these people have some sort of receptacle to put something in they are much more receptive. She said they are willing to help-just give them what they need.

John Choquette, C & C Loading Service, Inc.,-said I could go there and pick these up on the pick up days.

Mayor Browning said I guess I have a little less faith than some of you do; I've been out here and watched them do it for years.

Mayor Browning moved to Item #16.

16. Administration Update

- a. October & November 2009 Meeting Calendar**
- b. Update on table-top EOP exercise**
- c. August & September 2009 Financials**

Town Manager Spence said the calendar as presented in your Agenda Packet for all the meetings of the remainder of October and November 2009, and your next meeting will be Tuesday, November 3, 2009. He said I handed out a certificate I spent two full days over in Tampa taking a leadership training course sponsored by the League of Cities and brought back a 298 page book which has become the official guideline for FEMA, and all the users need to be following that. He said I have been in contact with the Johnsons and I told them I was going to this and they liked that. He said they will be out of Town until the 20th and when they get back we will work on the very important table-top exercise. He said I learned a lot and hopefully we won't have to put it to use but I will know what we are supposed to be doing. He said the August and September 2009 Financial Reports from NCS should be ready for the FAAC for their next meeting and then you will get them as well.

Vice-Mayor Lipp said one of the things that seem to have slipped through the cracks is the ERM Workshops and asked Town Manager Spence is that on your radar at all. He said the ERM statutes for our ULDC are contracted with Calvin-Giordano and we have a Stakeholder's Committee who has one more meeting to go through where they have to resolve the unresolved or extending issues that are on the report and then they have to meet one more time to adopt those final issues. He said I'll write this all out and send it in an email to you. He said Sondra Lee is our contact from Calvin-Giordano but we really don't need to have her at these Workshops. He said but they need to get together one more time to sort through the outstanding issues and then they need to write this. He said we have a very articulate group who can write this and then turn it over to the Town Attorney and then we can adopt it. He said I think Jim Rockett is the elected Committee Chairman. *(This was incorrect as the new Chair is Lung Chiu and Jim Rockett is the new Vice-Chair)*. He said I think we need to get that Workshop set up for early November because it will probably take two. He said you can check and see what we have paid for.

Town Clerk Kantor said I believe there was a Motion to have the Stakeholder's meet one time on their own and then to follow up with a Workshop with Sondra from Calvin-Giordano.

Vice-Mayor Lipp said there may not be a need to have that Workshop with Sondra.

Town Manager Spence asked is this related to the LDR's.

Mayor Browning corrected him and said this is the ERM.

Mayor Browning moved to Item #17.

17. Public Comments

Jim Rockett, 14155 43rd Road North- said C Road got the survey to the Community in the mail on Monday, but I haven't seen it yet on 43rd Road North.

Town Manager Spence said it was my understanding that we hired a company to do the complete printing and mailing and they sent over 1280 surveys. He said it was to be a mass mailing because the report back had a deadline.

Councilman Jarriel said I got mine. Councilman Louda said I got it. Mayor Browning said I got it. Vice-Mayor Lipp said I didn't get mine.

Councilman Jarriel suggested putting a statement on the website saying if you didn't receive a survey contact the Town. Someone suggested putting a note in the Town Crier as well.

Marge Herzog, 966 A Road- said I just want to remind everybody that Thursday is the LGLA meeting. She said it should be of particular interest to everyone because we have a representative from Atlanta coming in from the Census Bureau to talk to us about the Census and what can we benefit from good participation. She said one of the things the representative has asked is if anyone knows of any businesses (nurseries) where people are hired to work and live, and these people should be at the meeting, so they understand the full impact of how declaring every person they have living and working on their property can benefit the Town. She said I am going to be visiting all the churches so I can stress the importance of them participating in the Census.

Mayor Browning moved to Item #18.

18. Town Management Comments

Town Manager Spence said this morning I met with Lt. Jay Hart the new Commander of District 15 and things are falling into place. He said he will have a Sergeant in charge over four patrol men in his District and he looks forward to increased activity and participation and he will be here before you to introduce himself at your next meeting. He said they will be moving into the old County Zoning building. He said as many of you know the Farm Bureau is moving and we would like to move our offices there and we would have high visibility and a nice layout. He said we will probably be coming back to you to keep one of those other rooms for storage because the County will be turning over all their files to us once our Comprehensive Plan is adopted. He said as you know the computer crashed and we bought two year warranties on all of our computers. He said I want to thank Matthew for his help reloading what had been, and without him Michelle and I would really be up a creek. He said so I want to publically thank Matthew Lippman for donating so much and I offered to pay him and he said no. He said Councilman Jarriel and I will be going to a meeting at the EOC tomorrow AM, and one of the things I picked up at the meeting in Tampa last week is there are all types of disasters, not just hurricanes.

Councilman Louda suggested purchasing an external hard drive and once every few weeks dumping everything onto it.

Mayor Browning moved to Item #19.

19. Town Attorney Comments

There were no comments.

Mayor Browning moved to Item #20.

20. Town Council Member Comments

Vice-Mayor Lipp said I would recommend that the Town look into Carbonite, it is \$55.00 a year and I have had to use them once and it literally backs up your whole system and there is someone there to talk you through it and it is all saved online and secure. He said thanks for the meeting it was run well and we certainly had a lot of thorny issues to talk about tonight.

Town Clerk Kantor asked if Carbonite would back up Outlook email files as well.

Vice-Mayor Lipp responded it backs up everything.

Councilman Jarriel said I just want to thank all of you for being here tonight, it's been a long night and I want to say that the Mayor and Sharyn did an outstanding job in presenting the Resolutions to the County.

Councilman Liang said I don't have much to say, but my sister is getting married this weekend so if PBSO gets any calls for drinking I would like to apologize in advance.

Councilman Louda said I would like to see more tickets written by PBSO. He said the move of the office sounds like a good thing, the survey-get your neighbors to do it. He said I would like Town Staff and possibly the Attorney to look into methods that we can start to consider variances and go forward with some 1-5 and 1-10 variances. He said there are some citizens that want to do this and resident Bill Gurney approached Town Manager Frank Spence with going forward and doing this. He said this is already there in our Comp Plan and I would like to see us moving forward with some of this stuff instead of just sitting here and treading water forever, so if Staff can look into how or if this can even be done at this point. He said I would like consensus to do this.

GENERAL CONSENSUS WAS GIVEN TO DIRECT STAFF TO LOOK INTO RESIDENT BILL GURNEY'S REQUEST TO SUBDIVIDE 1-5.

Mayor Browning moved to Item #21.

21. Adjournment

Vice-Mayor Lipp MOTIONED to adjourn the meeting, SECONDED by Councilman Jarriel and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 10:25p.m.

ATTEST:



Frank Spence, Town Manager



MAYOR DAVE BROWNING

November 17, 2009

Date Approved